

SECOND REGULAR SESSION

# HOUSE BILL NO. 1595

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BRAY, DAUS, RIBACK WILSON (25), LOWE, WILSON (42), WILLIAMS (Co-sponsors), HILGEMANN, BOUCHER, CAMPBELL, HARDING, VAN ZANDT, CURLS, JOHNSON (61), BOWMAN, HAYWOOD AND HARLAN.

Read 1<sup>st</sup> time January 23, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3905L.01I

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### AN ACT

To amend chapter 571, RSMo, by adding thereto one new section relating to criminally negligent storage of a firearm, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 571, RSMo, is amended by adding thereto one new section, to be known as section 571.023, to read as follows:

**571.023. 1. A person commits the crime of criminally negligent storage of a firearm if:**

**(1) Such person stores or keeps any loaded firearm or unloaded firearm and ammunition for that firearm on any premises under his or her control; and**

**(2) He or she knows or reasonably should know that a minor is capable of gaining access to the loaded firearm or unloaded firearm and ammunition; and**

**(3) A minor obtains the loaded firearm or unloaded firearm and ammunition and uses it to cause the death of any person or brandishes the firearm or uses it to threaten injury or death to any person.**

**2. Notwithstanding the provisions of subsection 1 of this section a person does not commit the crime of criminally negligent storage of a firearm if:**

**(1) Such person keeps:**

**(a) The loaded firearm or unloaded firearm and ammunition in a securely locked box or other locked container;**

**(b) The loaded or unloaded firearm secured by a locking mechanism that renders the firearm inoperable;**

**(c) The loaded or unloaded firearm in a dismantled state that renders the firearm**

18 inoperable and stores the dismantled part separate from the rest of the firearm in a  
19 securely locked box or other locked container; or

20 (d) The ammunition for an unloaded firearm stored separate from that unloaded  
21 firearm in a securely locked box or other locked container;

22 (2) The person is a peace officer, member of the armed forces, or a member of the  
23 national guard and the minor obtains the firearm during, or incidental to, that person  
24 performing his or her official duties;

25 (3) The minor obtains and discharges the firearm in a lawful act of self-defense or  
26 defense of another;

27 (4) The minor obtains the firearm as the result of an unlawful entry;

28 (5) The minor was supervised by a person twenty-one years of age or older and was  
29 engaging in hunting, sporting, or another lawful purpose; or

30 (6) The minor was engaged in an agricultural enterprise.

31 3. As used in this section the term "minor" means any person eighteen years of age  
32 or younger.

33 4. Criminally negligent storage of a firearm is a class A misdemeanor unless the  
34 minor uses the firearm to cause injury or death to any person in which case it is a class D  
35 felony.

36 5. Firearms dealers shall be required to provide purchasers with a written warning  
37 about the provisions of this section and to place a conspicuous warning sign at the place  
38 where their firearms are sold. The warning shall read as follows:

39 "It is unlawful and a violation of section 571.023, RSMo, to store, transport, or abandon  
40 a loaded firearm or an unloaded firearm and ammunition for that firearm in a place where  
41 minors are likely to be and can obtain access to the loaded firearm or unloaded firearm  
42 and ammunition."